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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/055,810	01/23/2002	Vlad Popescu-Stanesti	O2Micro 01.02	7406

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GROSSMAN, TUCKER, PERREAU & PFLEGER, PLLC  
55 SOUTH COMMERICAL STREET  
MANCHESTER, NH 03101

EXAMINER

DEBERADINIS, ROBERT L

ART UNIT

PAPER NUMBER

2836

DATE MAILED: 06/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/055,810

Applicant(s)

POPESCU-STANESTI ET AL.

Examiner

Robert DeBeradinis

Art Unit

2836

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 September 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 April 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Double Patenting*

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1-19 provisionally rejected under the judicially created doctrine of double patenting over claim 35 of copending Application No. US 2004/145348 A1. This is a provisional double patenting rejection since the conflicting claims have not yet been patented.

The subject matter claimed in the instant application is fully disclosed in the referenced copending application and would be covered by any patent granted on that copending application since the referenced copending application and the instant application are claiming common subject matter, as follows: METHOD WHEREIN AN INSTANTANEOUS POWER REQUIREMENT OF SAID SYSTEM LOAD IS GREATER THAN A MAXIMUM POWER OUTPUT OF SAID CONTROLLABLE DC POWER SOURCE.

Furthermore, there is no apparent reason why applicant would be prevented from presenting claims corresponding to those of the instant application in the other copending application. See *In re Schneller*, 397 F.2d 350, 158 USPQ 210 (CCPA 1968). See also MPEP § 804.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 5, 6, 7, 13-17 are rejected under 35 U.S.C. 102(b) as being anticipated by SAEKI US PATENT 6,452,364.

Regarding claims 1, 2, 6, 7, 13, 14.

SAEKI discloses an AC/DC adapter comprising circuitry to generate a signal proportional to the maximum adapter current (column 4, lines 55-62).

Regarding claim 5.

SAEKI discloses said circuitry comprises a current sense resistor (R1) coupled to the positive adapter voltage and a current sense comparator (15) coupled to said current sense resistor, said current sense comparator having a set upper gain and generating a normalized value of said signal proportional to the maximum adapter current (column 4, lines 55 plus).

Regarding claim 15.

SAKI discloses microprocessor (32).

Regarding claims 16, 17.

SAKI discloses a portable electronic device as claimed in claim 13 said circuitry comprising a reference resistor (R1) coupled between said signal proportional to the maximum adapter current and ground generating said voltage proportional to the rated current of an AC/DC or DC/DC adapter supplying power to said electronic device.

Claims 3, 4, 8-12, 18, 19 are rejected under 35 U.S.C. 102(b) as being anticipated by SAEKI US PATENT 6,452,364 in view of PATINO 5,184,059.

Regarding claims 3, 11, 18, 19.

SAEKI discloses the adapter as claimed in claim 1.

SAEKI does not disclose said circuitry comprising an identification resistor coupled to the positive adapter voltage.

PATINO teaches using a identification resistor coupled to adapter to select charging algorithm.

It would have been obvious to one having ordinary skill in the art at the time of this invention to modify SAEKI to with the circuitry to recognize an identification resistor. The motivation would be to set a plurality of charging algorithms to accommodate different types of batteries.

Regarding claims 4, 10.

SAEKI discloses the adapter as claimed in claim 1.

SAEKI in view of PATINO does not disclose said circuitry comprising an identification resistor coupled to the negative adapter voltage.

PATINO discloses battery voltage sense signal (line 52) coupled to output of current source (36), functionally is a controlled high resistance to produce the current source and the voltage being set by the current source resistance and the load, the current source resistance functionally being the identification resistor.

It would have been obvious to one having ordinary skill in the art at the time of this invention to modify the adapter to couple to a negative adapter voltage. The motivation would be to charge a battery supplying a negative voltage.

Regarding claims 8, 12.

PATINO disclose a microprocessor for generating the charging algorithms, a keyboard is an obvious part of the controller and SAIKI discloses the circuit to generate said voltage proportional to the rated current of said adapter.

Regarding claim 9.

SAIKI discloses a charger contained in an electronic device such as a notebook computer (column 1, lines 20-25).


Any inquiry concerning this communication should be directed to Robert L. DeBeradinis whose number is (571) 272-2049. The Examiner can normally be reached Monday-Friday from 8:30 am to 5:00 pm.

Art Unit: 2836

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Brian Sircus, can be reached on (571) 272-2058. The Fax phone number for this Group is (703) 872-9306.

RLD

MAY 27, 2005



ROBERT L. DEBERADINIS  
PRIMARY EXAMINER